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REMARKS

This paper is responsive to the Office Action identified above and below, and in any other manner indicated below.

EXAMINER INTERVIEW ACKNOWLEDGED

This paper is responsive to the examiner interview conducted 15 December 2005, by and between (as indicated on the Interview Summary document) assigned Examiner Trang U. Tran, Applicant's foreign representatives Masanobu Sakata and Yuzo Okano, and attorney Paul J. Skwierawski, in the related application 09/418,822. More particularly, any foregoing amendments may include amendments discussed during, or resultant from, the examiner interview, and the following includes a reiteration of discussions/arguments had during the examiner interview.

PENDING CLAIMS

Claims 12-31 were pending for consideration and examination in this application. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply claims re-clarified responsive to requests of the Examiner during a 15 December 2005 examiner interview in related application 09/418,822. At entry of this paper, Claims 12-31 remain pending for further consideration and examination in this application.

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REJECTION UNDER 35 USC §103

The 35 USC §103 rejection of Claims 12-18 and 22-28 as being unpatentable over Lawler *et al.* (U.S. Patent 5,585,838) in view of Bruette *et al.* (U.S. Patent 5,828,419), and further in view of the VideoGuide User's Manual, Part # 030-10011, Revision 1.0, 1995 (page 12), is respectfully traversed. Applicant respectfully submits the following to traverse such rejection.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated herein by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

Independent ones of Applicant's claims 12-18 and 22-28 recite, for example (Independent Claim 12), a digital broadcasting RECIEVER (e.g., a set-top box) including "an omission display controller provided in the digital receiver, which compares whether a number of characters in the character information of the particular program is larger than a number of characters which can be displayed in a first prescribed zone indicative of a prescribed time period, and which omits a part of a character information extracted from the program information when the number of characters in the character information of the particular program is larger than the number of characters which can be displayed in the first prescribed zone indicative of the prescribed time period attached to a last tail part of the menu". One very important aspect to note, is that with Applicant's invention, both a "comparison" and an "omitting" TAKE

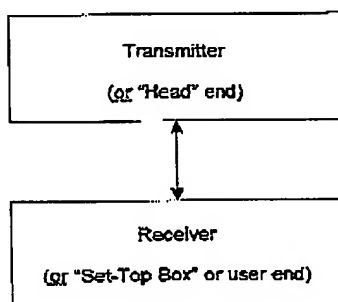
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PLACE AT THE RECEIVER (e.g., set-top box) END, in contrast to taking place at a TRANSMITTER (e.g. HEAD) END. It is respectfully noted that the claims have been clarified in accordance with the Examiner's request (during the aforementioned examiner interview), to more explicitly recite that the claimed components (e.g., the "omission display controller") is in the RECEIVER end.

The cited Lawler *et al.*/Bruette *et al.*/VideoGuide User's Manual references fail to teach or suggest such feature of Applicant's claimed combination invention, and in fact, **teach in any opposite direction from Applicant's invention** and/or are just too vague.

Beginning discussions, a generic multi-media transmitter/receiver system may be described as generically having a transmitter (or "head" end) side and a receiver (or "set-top box" or user end side) as shown by the following illustration.



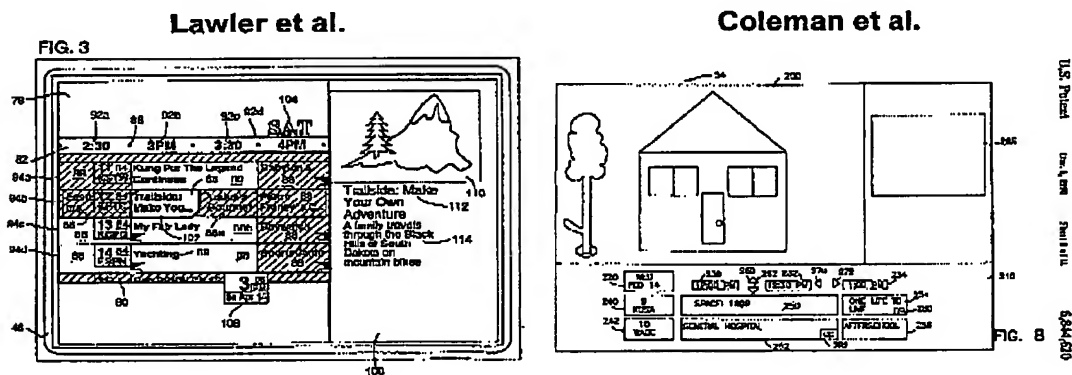
Again, with Applicant's invention, the "comparing/omitting" takes place at a RECEIVER (e.g., set-top box or user) end. In contrast to Applicant's invention, the main storage and processing (e.g., comparing) of video or character information of programs was conventionally (at the time of Applicant's invention) done within the transmitter end. The conventional arrangement was advantageous in that storing full data within the transmitter end allowed a smaller memory to be

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used for the receiver end (thereby reducing receiver manufacturing/purchase costs), and processing within the transmitter end allowed only one processing to take place at the transmitter end (as opposed to redundant processings at millions of receiver ends) and allowed minimal data to be transmitted across to the receiver (thereby minimizing use of precious bandwidth).

Discussion of some relevant background references is in order, for an understanding of the state of this art at the time of Applicant's invention. The Coleman et al. (U.S. Patent 5,844,620) reference (cited in a differing rejection, discussed ahead) is an example of the conventional "transmitter" end arrangement. First off, it is respectfully noted that Coleman is relevant, in that Coleman et al.'s FIG. 8 (reproduced below) is very similar to Lawler et al.'s FIG. 3 (reproduced below; discussed in greater detail ahead):



That is, both have a menu grid area (Lawler et al.'s 80; Coleman et al.'s 210), and both have a program summary panel area (Lawler et al.'s 108; Coleman et al.'s 295) for showing details (e.g., full title, textual description, still picture, video short) pertaining to the program of the block selected on the menu grid. Note that Coleman et al. also includes a primary display area 200 which continues to show the

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program of the presently-active (selected) channel while the menu grid and summary panel area are active and being viewed.

Coleman et al.'s disclosure teaches the conventional approach, i.e., where schedule (i.e., grid) data is transmitted in a preformatted form (column 8, lines 3-9) from the transmitter to save transmission bandwidth, and to process the schedule data only once at the transmitter end, rather than millions of times at the receiver end. As further discussions, the schedule (i.e., grid) data is transmitted separately from the detailed data of the summary panel area (column 6, lines 30-42). In short, the processing (e.g., comparing/omitting) of Coleman et al.'s video or character information of programs for a grid menu is performed conventionally at the transmitter end.

The Alten et al. (U.S. Patent 5,781,246) reference (applied in a rejection in related application 09/418,822) is another example of the conventional "transmitter" end arrangement. More particularly, Alten et al.'s column 30, line 42, through column 31, line 13, states (in relevant part),

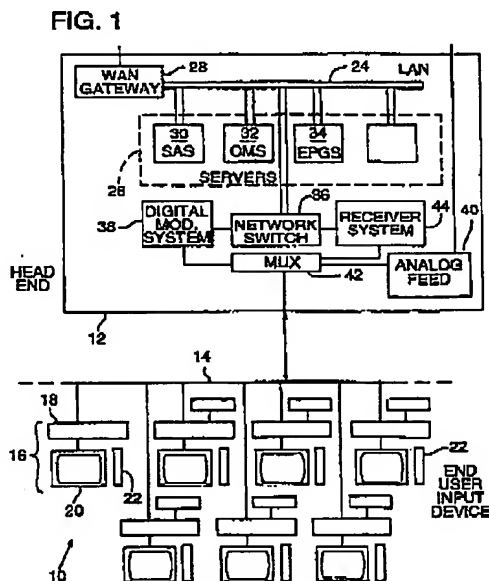
One of the novel features of the disclosed invention is the textfit system. The preferred embodiment of the textfit system includes an interactive computer program used to edit the program listings data BEFORE it is transmitted to the user and stored in memory. ...the data processor first analyses the listings data to determine what grid size listings are needed for each title. Thus, a two hour movie could require four different edited titles to fit into each of the four different size grid cells (30, 60, 90, 120 minutes). ...The editor is then queried to alter the title so that it will fit in the allotted space. If the title must be edited for more than one cell size, the editor is queried to edit each of them separately.

Thus, Alten et al. again teaches the prevalent standard in the art to perform pre-truncating of titles BEFORE transmission to the receivers, so as to minimize transmission bandwidth and receiver memory storage.

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Turning now to rebuttal of the primary, i.e., Lawler *et al.*, reference, such reference has a transmitter (or "head" end) side and a receiver (or "set-top box" or user end side as shown by Lawler *et al.*'s FIG. 1 as follows:



Office Action comments appear to contend that Lawler *et al.*'s FIGS. 1-2 interactive controller 18 (at the receiver end) itself performs operations like Applicant's operations, i.e., Office Action comments contend that Lawler *et al.* "omits a part of a character information of a particular extended program when a number of characters in the received character information of the particular extended program is larger than a number of characters which can be displayed in a first prescribed zone indicative of a prescribed time period of the grid." The 15 July 2005 Office Action comments (page 3) state:

...Lawler *et al.* Discloses in col. 7, lines 52-65 that "the interactive station controller 18 also may include a graphics subsystem 62 that is controlled by the CPU 58 to form graphics images, including user interface displays, on the video display 20 ...locally generated graphics and various overlays and bitmap images" and Lawler *et al.* shows in Fig. 3 the truncated

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title "Trailside: Make You..." The truncated part has a part of a character information omitted. Thus the claimed "an omission display controller which omits a part of a character information extracted from the program information when a number of characters in the character information of the particular program is larger than a number of characters which can be displayed in a first prescribed zone indicative of a prescribed time period attached to a tail part of the menu" is anticipated by the CPU 58 and the graphics subsystem 62 of Lawler et al because they display the truncated title.

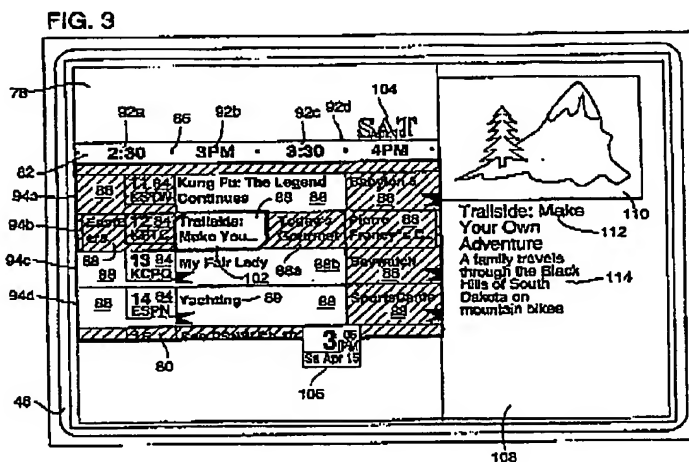
It appears that the Examiner is attempting to allege that a "comparison" and "omission" of characters within the receiver is Inherent, simply because a result of a truncated title is shown. **It is respectfully submitted that strong traversal is appropriate, because the Examiner's assumption IS WRONG (i.e., Lawler et al. teaches otherwise), and the Examiner's application of inherency is FAULTY/IMPROPER.**

More particularly, Lawler et al. analysis/disclosure is as follows: Lawler et al.'s "interactive station controller 18" (FIGS. 1-2) is vaguely similar (at best) to Applicant's "receiver" (e.g., set-top box). That is, Lawler et al.'s interactive station controller 18 cooperates with Lawler et al.'s "head end 12" (FIG. 1) which is located at the service provider's remote location (i.e., remote from the end user's and interactive station controller 18's location). One of the items that the interactive station controller 18 and head end 12 cooperate about is program information, i.e., program information is sent from the head end 12 to the receiver end 18. However, a reading/understanding of the Lawler et al. disclosure tends to show that full detailed information (e.g., a full program title) is NOT routinely sent from the head end 12 to the receiver end 18, until the user specifically requests (i.e., via clicking on a menu grid block) more detailed information about a program.

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More particularly, regarding a program grid display, Lawler et al.'s FIG. 3 shows a programming grid such as:



Of special interest, a presently-selected (i.e., clicked-on) "focus frame 102" grid-block (shown surrounded in bolded lines) includes a truncated title "Trailside: Make You ...", while larger right-hand "program summary panel 108" shows greater detail, including the full title of the presently selected program block, i.e., "Trailside: Make Your Own Adventure ...". That is, the program summary panel 108 is used to provide a user with more detailed information about a selected program. As the focus frame 102 is moved to any differing grid-block (e.g., via clicking), the program summary panel 108 is updated to provide additional information about the program of the newly-identified grid-block.

Under the Examiner's inherency assertion, the Examiner is contending that comparison/omission of characters necessarily takes place at Lawler et al.'s RECEIVER (i.e., SET-TOP BOX) end. It is noted that, in order to support such contention, Lawler et al.'s Interactive station controller (i.e., "receiver") must initially receive the full title, i.e., "Trailside: Make Your Own Adventure ..." and store it into

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memory somewhere in the receiver end, and then must itself compare/omit characters to achieve the truncated block reading "Trailside: Make You ...". It is respectfully noted that Lawler et al.'s FIG. 5A flowchart does indicate that the receiver does "RETRIEVE PSI [program schedule information] FROM HEAD END, [and] STORE IN MEMORY". However, Lawler et al. does not explain in any detail, as to what the initially-retrieved "program schedule information" contains.

However, it is Applicant's position from a more detailed reading/understanding of the Lawler et al. disclosure, that Lawler et al.'s receiver does not initially receive/store the full title for formation of the grid menu. More particularly, if the Lawler et al. arrangement did initially receive and store the full title, then at a later time when a user subsequently selected (e.g., clicked-on) the truncated "Trailside: Make You ..." block, the Lawler et al. interactive station controller 18 (i.e., "receiver") should UNILATERALLY (i.e., BY ITSELF) have been able to retrieve the same from its own "receiver" memory and then immediately display the full title (i.e., "Trailside: Make Your Own Adventure ...") within the program summary panel 108. More specifically, given that transmission bandwidth was a scarce commodity, Lawler et al.'s receiver would have saved any received full title within its memory for any anticipated later use.

However, Lawler et al.'s column 10, lines 20-52 discloses that Lawler et al.'s arrangement DOES NOT have the full title data stored within receiver memory. That is, Lawler et al.'s column 10, lines 20-52 text reads:

The program summary panel 108 can be used to provide a user with more detailed information about a selected program. Preferably the program identified by the focus frame 102 is the subject of the program summary panel 108. As the focus frame 102 is moved, the program summary panel 108 is updated to provide additional information about the newly identified program. ...The program information in the illustrated program summary panel 108 is

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obtained UPON REQUEST of the interactive station controller 18 from the head end 12.

That is, it is clear from Lawler *et al.*'s explicit disclosure, that Lawler *et al.*'s interactive station controller 18 **DOES NOT INITIALLY RECEIVE THE FULL TITLE (OR OTHER DETAILED INFORMATION)** for formation of the grid menu, and instead, **MUST SPECIFICALLY REQUEST SUCH DETAILED INFORMATION ONLY WHEN THE PROGRAM IS SELECTED IN A FOCUS FRAME 102** of the menu grid.

What logically fits from this disclosure, is that Lawler *et al.*'s interactive station controller (like the conventional Coleman *et al.* and Alten *et al.* arrangements) **INITIALLY ONLY RECIEVES TRUNCATED TITLES FROM THE HEAD END 12 FOR THE BLOCKS FOR ITS PROGRAMMING MENU GRID 80.** This totally agrees with the conventional art at the time of Applicant's invention, which was to only provide truncated-information blocks to receivers to minimize (save precious) transmission bandwidth, to same memory in the receiver end, and to have menu grid processing only once at the transmitter end (as opposed to redundantly at millions of receiver ends). In short, the Lawler *et al.* description tends to show that Lawler *et al.* (like Coleman *et al.* and Alten *et al.*) implemented the conventional "transmitter (or head)" end approach.

Regarding Lawler *et al.*'s column 7, lines 52-65, such text simply states:

The interactive controller 18 also may include a graphics subsystem 62 that is controlled by the CPU 58 to form graphics images, including user interface displays on the video display 20. A video processor sybsystem 63, also controlled by the CPU 58, provides control in generating and displaying video images. A mixer 64 receives the programming or application signals received from the central head end 12 or CPU 58, graphics image signals from graphics subsystem 62, and video image signals from the video processor sybsystem 63 and delivers a mixed image signal to video display set 20. As used here, mixing may include compositing, blending, and

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masking of image sources such as digital video, analog video, locally generated graphics and various overlays and bitmap images.

It is respectfully noted that, nowhere does such text state that a character "comparison" and "omission" is performed by the receiver's CPU 58 or graphics subsystem 62. From Applicant's discussions presented previously, other portions of Lawler et al.'s disclosure tend to show that the character "comparison" and "omission" is not performed by the receiver end. It is submitted that the receiver's CPU 58 and graphics subsystem 62 can perform many types of other processing/graphics operations other than the alleged character "comparison" and "omission", and based upon the facts of the present situation, it is respectfully that it is pure improper speculation regarding any allegation that the receiver's CPU 58 and graphics subsystem 62 perform the alleged character "comparison" and "omission".

Thus, despite the Examiner's (i.e., "inherency") speculation, it is respectfully submitted that Lawler et al. **does not operate as the Examiner speculated**, i.e., Lawler et al. instead teaches the conventional art to perform pre-truncating of titles BEFORE transmission to the receivers, and thus **TEACHES AWAY** from Applicant's invention.

Beyond the above arguments, it is respectfully submitted that **the Examiner's usage of "inherency" is improper in the present situation**. More particularly, regarding proper usage of inherency, it is well settled under U.S. patent law that to establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter **is necessarily present** in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." *In re Robertson*, 49 USPQ2d 1949 (Fed. Cir. 1999). Moreover, the Court in *In re Robertson* pointed out that **inherency, however, may not be established by probabilities or possibilities**. The

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mere fact that a certain thing may result from a given set of circumstances is not sufficient." In the present situation, persons skilled in the art would have known the differing conventional approach to process at the transmitter end. In short, the conventional approach proves that comparison/omission to obtain truncated titles for Lawler et al.'s program tiles 88 is not "necessarily" present (i.e., performed) within Lawler et al.'s "receiver". In fact, the state of the art and Lawler's own disclosure tend to show that comparison/omission within Lawler et al. occurs differently, i.e., within Lawler et al.'s "transmitter" or head end.

Turning next to Bruette et al., such secondary reference does nothing to cure the major deficiency mentioned above with respect to the Lawler et al. reference. More particularly, Bruette et al. appears to have been cited for allegedly disclosing/suggesting use of a "video decoder" and a "on screen display generator" into Lawler et al.'s arrangement. Beyond the above, Bruette et al.'s disclosure almost completely deals with arrangements to add icons (e.g., a lock icon or a checkmark icon) to Bruette et al.'s television program guide. While Bruette et al.'s FIG. 3 does display a title "Daddys Dyin' Whose Got..." Including a "..." notation, it is further noted that Bruette et al.'s disclosure provides absolutely no additional discription or disclosure regarding the "..." notation. Accordingly, it cannot be determined whether the "..." notation is one of truncation, or is part of the original title of the program. In any event, given that Lawler et al.'s FIG. 3 already discloses a "..." notation, it is respectfully submitted that Bruette et al. adds little (if anything) in support of the rejection.

Regarding the VideoGuide Users Manual reference, such reference is just simply too vague to teach or suggest anything. More particularly, it is respectfully

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noted that the VideoGuide Users Manual is nothing more than a STRIPPED DOWN USER'S MANUAL, with absolutely no disclosure of the detailed inner workings of the VideoGuide system. Again, although the VideoGuide manual does illustrate some types of menu features, such reference never explicitly describes where/how/when these menu items are formed, i.e., at best, there is only a "black box" type of disclosure. That is, the VideoGuide Users Manual teaches a user how to work the VideoGuide apparatus (**NOT THE DETAILS OF HOW THE APPARATUS WORKS**). Just as it was wrong for the Examiner to speculate about how/where the Lawler et al. menu items were formed, It is equally as wrong for the Examiner to speculate about how/where the VideoGuide menu items are formed within the VideoGuide apparatus.

If one were to speculate, it is respectfully submitted that logical reasoning would tend to show that the VideoGuide arrangement likewise would have implemented the prevalent standard in the art to perform pre-truncating of titles BEFORE transmission to the receivers. More particularly, it is known within the art that the *circa* 1995-96 VideoGuide system broadcasted/received television scheduling via radio frequency (RF) transmitters operating using national pager bandwidth. That is, textual information regarding a television schedule was "paged" to the VideoGuide box. Given that pager bandwidth was an expensive and scarce commodity in *circa* 1995-96, it is respectfully submitted that the VideoGuide arrangement almost certainly would have pre-truncated titles BEFORE transmission to the receivers.

In any event, certainly there is no comparator or comparing process disclosed anywhere within the vague VideoGuide disclosure. In short, any attempt to

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characterize where/how/when the VideoGuide menu items are formed would be pure speculation, which is inappropriate/insufficient to support a §103 type rejection.

In short, given that **none of Lawler et al., Bruette et al. and Video Guide User's Manual explicitly teaches receiving program information at a receiver and then performing comparison/omission at the receiver end to obtain truncated titles for a program grid**, it is respectfully submitted that no combination of such art would have resulted in, or would have suggested, Applicant's disclosed and claimed invention. Further, in view of the low relevance of such art, and also the Improper Examiner's speculation with regard to operation of such art, it is respectfully submitted that **the present rejection is nothing more than an attempt at an improper hindsight reconstruction rejection of Applicant's claimed invention**.

As a result of all of the foregoing, it is respectfully submitted that the applied art (taken alone and in the Office Action combinations) would not support a §103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of any art rejections, and express written allowance of all present claims, are respectfully requested.

REJECTION UNDER 35 USC §103

The 35 USC §103 rejection of Claims 19-21 and 29-31 as being unpatentable over Coleman *et al.* (U.S. Patent 5,844,620) in view of Bruette *et al.* (U.S. Patent 5,828,419), is respectfully traversed. Applicant respectfully submits the following to traverse such rejection.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously

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submitted by Applicant in any form, are repeated and incorporated herein by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

Independent ones of Applicant's claims 19-21 and 29-31 recite, for example (independent Claim 19), a digital broadcasting **RECIEVER (e.g., a set-top box)** including **"a full display controller provided in the digital receiver, to control display, in a second prescribed zone, of a program start time and a program end time of a program of a selected background information block whose background information block is changed in shape in the first prescribed zone by the display change controller, wherein the full display controller controlling display of the program start time and program end time to occur CONCURRENTLY TOGETHER WITH the selected background information block on a same display WHENEVER THE SELECTED BACKGROUND INFORMATION BLOCK IS SELECTED"**. Applicant's FIG. 9 illustrates the start/stop times in second perscribed zone 601, responsive to the shape-changed background information block 503₂ being selected.

It is important to note that the start/stop times are displayed within the second perscribed zone 601, concurrently together with the selected background information block, whenever a shape-changed background information block is selected. Such arrangement is advantageous in that all information (including start/stop times) is concurrently displayed on a same screen, such that a user does not have to scroll to hunt for any starting time or stopping time which extends

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off of a present display, and the start stop times are displayed in a separate zone to avoid cluttering (and resultant unreadability) of the display.

Office Action comments point to Coleman *et al.*'s col. 22, lines 46-50, text which states:

The "**Info**" button 314 produces a banner display which provides information on the programming service currently being viewed. This information can include the channel identifier, the title of the program, and the program run-time, as well as the other information mentioned hereinabove.

It is respectfully submitted that "the programming service currently being viewed" appears to mean the program which is presently being watched, and not Coleman *et al.*'s menu grid. That is, such text appears to mean that if you are watching a program (e.g., the 6:00 News) without the menu grid, and then push the "Info" button, a banner will appear somewhere on the display (e.g., at the top, bottom, etc.) and will contain information such as the channel identifier, title, etc. Further, it appears that "program run-time" seems to mean, for example, "1-hour", "2-hours", etc. Even assuming *arguendo* that "program run-time" means "start-time, end-time", it is respectfully submitted that the "Info" button appears to pertain to the program which is presently being watched, and not Coleman *et al.*'s menu grid.

If no menu is displayed concurrently with Coleman *et al.*'s "banner display", Coleman *et al.* certainly would not have disclosed or suggested Applicant's feature/limitations of: wherein the full display controller controlling display of the program start time and program end time to occur CONCURRENTLY TOGETHER WITH the selected background information block [i.e., menu grid block] on a same display WHENEVER THE SELECTED BACKGROUND INFORMATION BLOCK IS SELECTED."

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Accordingly, it is respectfully submitted that Coleman et al. does not disclose or suggest Applicant's claimed "full display controller provided in the digital receiver, to control display, in a second prescribed zone, of a program start time and a program end time of a program of a selected background information block whose background information block is changed in shape in the first prescribed zone by the display change controller, wherein the full display controller controlling display of the program start time and program end time to occur CONCURRENTLY TOGETHER WITH the selected background information block on a same display WHENEVER THE SELECTED BACKGROUND INFORMATION BLOCK IS SELECTED".

Turning next to Bruette et al., such secondary reference does nothing to cure the major deficiency mentioned above with respect to the Coleman et al. reference. More particularly, Bruette et al. appears to have been cited for allegedly disclosing/suggesting use of a "video decoder" and a "on screen display generator" into Coleman et al.'s arrangement. Beyond the above, Bruette et al.'s disclosure almost completely deals with arrangements to add icons (e.g., a lock icon or a checkmark icon) to Bruette et al's television program guide.

As a result of all of the foregoing, it is respectfully submitted that the applied art (taken alone and in the Office Action combinations) would not support a §103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of any art rejections, and express written allowance of all present claims, are respectfully requested.

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RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, *i.e.*, Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

EXAMINER INVITED TO TELEPHONE

The Examiner is invited to telephone the undersigned at the local D.C. area number of 703-312-6600, to discuss an Examiner's Amendments or other suggested action for accelerating prosecution and moving the present application to allowance.

CONCLUSION

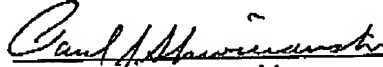
To whatever extent necessary, Applicant respectfully petitions the Commissioner for an extension under 37 CFR §1.136. A Form PTO-2038 authorizing payment of fees (including the Petition fee) may be attached. Please

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charge any actual deficiency in fees to ATS&K Deposit Account No. 01-2135
(referencing Case No. 500.35360CX2).

Respectfully submitted,



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